

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Nos. 20-3015, -3030 (consolidated)

UNITED STATES OF AMERICA,

Appellee/Cross-Appellant,

v.

MUSTAFA MUHAMMAD MUFTAH AL-IMAM,

Appellant/Cross-Appellee.

**STATUS REPORT AND JOINT MOTION OF
PARTIES TO CONTINUE SUSPENSION OF
BRIEFING SCHEDULE UNTIL JUNE 7, 2023**

Pursuant to the Court's Order of March 24, 2023, and pursuant to D.C. Cir. Rules 27 and 28(e), appellee/cross-appellant, the United States of America, and appellant/cross-appellee, Mustafa Muhammad Muftah Al-Imam, hereby provide this status report and jointly move this Court to continue the suspension of the briefing schedule in their consolidated appeals until June 7, 2023, and state as follows:

1. As noted in previous filings, the parties have requested suspensions of the briefing schedule to continue to jointly pursue an

extrajudicial resolution of Appeal Nos. 20-3015 & 20-3030: Al-Imam's direct appeal from his conviction and sentence; and the government's sentencing appeal, respectively. *See* Fed. R. App. P. 42 ("Voluntary Dismissal").

2. The parties reached an agreement in principle regarding joint motions to dismiss their respective appeals. To complete this process, counsel for Mr. Al-Imam sought advance authorization from the Court to travel for an in-person legal visit to discuss and finalize a written agreement between the parties, as well as to discuss and finalize the affidavit required by Section VIII(D) of the D.C. Circuit's Handbook of Practice and Internal Procedures for criminal defendants represented by appointed counsel under the Criminal Justice Act.

3. Counsel for Mr. Al-Imam was able to meet with him in person on August 9, 2022. At this meeting, Appellant Al-Imam requested an additional week to consider and review the necessary documents and the course of the appeal, followed by a call with counsel. However, due to limitations at his facility, a call could not be arranged until August 22, 2022.

4. During this call, Appellant Al-Imam requested an Arabic translation of certain key case documents. After several months, translations of these key documents were completed and mailed to Mr. Al-Imam at his facility in Florence, CO in January 2023. A follow-up call was set up for February 7, 2023.

5. On the February 7, 2023 call, counsel learned that the documents mailed to Mr. Al-Imam had not been provided to him by his institution. Another legal call was thus set up for February 21, 2023.

6. On February 21, 2023, no one at FCI Florence called counsel, despite prior communications setting up the legal call. Since the interpreter required by SAMs regulations was not available for three weeks following this date, another legal call could not be set up again until March 20, 2023.

7. On March 20, 2023, a legal call was held with Mr. Al-Imam. However, he still had not been provided legal documents, including an opinion of this Court, that had been mailed to him in January 2023. Accordingly, no progress was made.

8. Counsel for Mr. Al-Imam has reached out to the officer in charge of Mr. Al-Imam to inquire into the missing documents and

whether they may be delivered electronically through him. He responded this week and stated that he can assist with the delivery of the documents. Once Mr. Al-Imam is confirmed to have received the documents, a legal call can be scheduled once again to discuss them. The additional time for this call will help ensure that Appellant, a Libyan national, fully understands these proceedings and receives appropriate advice and counsel.

9. If successful, the parties' continuing effort to resolve their two appeals will allow the Court to avert the expenditure of significant judicial resources in these two consolidated appeals.

10. If the parties' joint effort to resolve their appeals is not completed before June 7, 2023, the parties will file motions to govern future proceedings by that date.

CONCLUSION

WHEREFORE, the parties jointly request that this motion be granted, and that this Court suspend the briefing schedule until June 7, 2023.

Respectfully submitted,

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/s/

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CERTIFICATE OF COMPLIANCE WITH RULE 27(d)

I HEREBY CERTIFY pursuant to Fed. R. App. P. 32(g) that this joint motion contains 623 words, and therefore complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A). This joint motion has been prepared in 14-point Century Schoolbook, a proportionally spaced typeface.

/s/

MATTHEW J. PEED

Counsel for Mustafa Al-Imam

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have caused a copy of the foregoing motion to be served by electronic means, through the Court's CM/ECF system, upon counsel for appellee, David Goodhand, on this 3rd day of April, 2023.

/s/

MATTHEW J. PEED

Counsel for Mustafa Al-Imam